

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOHN CARR
Plaintiff

v.

SIEMENS DEMATIC CORP.
AND AMEC CONSTRUCTION
MANAGEMENT, INC.
Defendants

CIVIL ACTION NO: 05-10445-MLW

PLAINTIFF'S MOTION TO EXTEND DISCOVERY DEADLINES,
WITHOUT OPPOSITION

Now comes the Plaintiff in the above captioned matter and respectfully moves this Honorable Court to extend all discovery deadlines in this matter for a period of ninety (90) days. As grounds therefore, the Plaintiff states as follows:

1. This is a complex personal injury action involving allegations that the Plaintiff has sustained a severe crush injury to his right dominate hand as well as partial amputation of his finger.
2. The Plaintiff has answered interrogatories on March 22, 2006 and Responded to Production of Documents on March 24, 2006.
3. The Defendant AMEC Construction Management, Inc. has provided Answers to Interrogatories on April 24, 2006. The Defendant Siemens Dematic Corp. answered interrogatories on February 3, 2006. However, due to security concerns at Logan Airport, all documents for this Logan Airport jobsite are kept in the possession of Massport and have not been released.
4. On January 23, 2006, Plaintiff noticed the 30(b)(6) Deposition of AMEC Construction Company. In response, AMEC had indicated that they cannot identify any person as the 30(b)(6) designee.
5. On January 23, 2006, Plaintiff noticed the 30(b)(6) Deposition of Siemens Dematic Corporation. In response, Siemens Dematic has designated Richard Rieneke as the 30(b)(6) deponent.

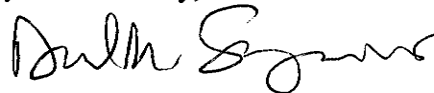
6. On February 27 and 28, 2006, counsel for Plaintiff and a paralegal spent two full days reviewing approximately thirty boxes of documents related to this jobsite, tabbing those relevant to this case. Per Massport security requirements, Massport was to then undergo a security review of the tabbed documents and release all which do not pose a security threat. Counsel for Plaintiff would then move for the release of any documents not released by Massport.
7. On March 22, 2006, Plaintiff's counsel wrote to counsel for Massport, Attorney Al Dalton, seeking the status of Massport's security review and the release of the tabbed documents. In that letter, counsel for Plaintiff reminded Massport of the need to expedite this procedure due to U.S. District Court time parameters. (See letter to Massport dated March 22, 2006.)
8. On April 27, 2006, Plaintiff's counsel again faxed a letter to Massport seeking release of the relevant documents in this case. (See letter to Massport dated April 27, 2006.) On that date, Attorney Dalton for Massport informed Plaintiff's counsel that he expected to be able to release documents in approximately two weeks.
9. The next day, on April 28, 2006, the parties appeared at a Status Conference before Judge Collings at the U. S. District Court. Counsel for Plaintiff relayed Massport's input as to when the documents would be produced. Based upon Massport's reassurances, the parties at that point remained optimistic that they could complete discovery within the existing time parameters. Also at the Status Conference, counsel for the Defendant's confirmed the AMEC would provide last known addresses for two deponents previously noticed, Mr. Pilkington and Mr. Collins. Additionally, defense counsel agreed to provide available dates for the Siemens Dematic 30(b)(6) designee, Mr. Rieneke.
10. Since that time, defense counsel has provided last known addresses for Mr. Pilkington and Mr. Collins. Plaintiff has noticed their depositions. However, service on both Mr. Collins and Mr. Pilkington was last and usual. As Plaintiff's

that a Motion to Compel Massport's production of these documents will be filed if a date certain is not provided by Monday, July 17, 2006. (See confirming letter dated July 12, 2006.)

15. As per the original discovery schedule set by the U.S. District Court, the deadlines for the parties to make service of all non-expert discovery is July 14, 2006. Although the Plaintiff has noticed the depositions of the known defense employees, additional time will be required in order to locate and depose said witnesses. It is anticipated that these depositions will lead to the discovery of additional witnesses.
16. Plaintiff's counsel has discussed this matter with and provided this motion to counsel for the Defendant, who has no opposition to this motion.

WHEREFORE, in light of the difficulty locating and deposing the defendant's employees and the fact that Massport has not produced any of the numerous, relevant documents in this case to date, the Plaintiff respectfully requests that, in the interest of justice, this Honorable Court extend the discovery schedule in this matter for a period of at least ninety (90) days.

Respectfully Submitted,
The Plaintiff,
By His Attorney,



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**Admitted in Massachusetts, Rhode Island and Connecticut

March 22, 2006

Al Dalton, Esq.
Massport
One Harborside Drive
Boston, MA 02128

Re: John Carr v. Siemens Dematic Corporation et al.
Civil Action No. 05-10445MLW

Dear Attorney Dalton:

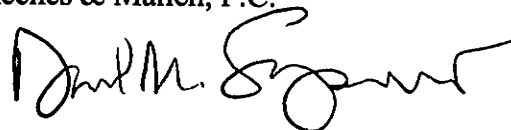
As you may remember, we met at your office on February 27 and 28 when I (along with my paralegal) reviewed approximately thirty boxes of documents, tabbing those relevant to this case. It is my understanding that Massport was then to conduct a security review on the documents that I have tabbed and will copy and release all of those tabbed documents, excepting any which Massport feels they cannot release due to security concerns. If there are any documents withheld, I will certainly reserve my right to object and to seek court intervention for the release of those documents.

I am writing today to check in on the status of Massport's review. As you may know, this case is in the United States District Court which means that our discovery period is abbreviated. As we have already asked the court to extend our discovery parameters, I am hoping that Massport will be able to review and copy these documents as quickly as possible.

Thank you for your efforts and courtesy in this regard. Please contact me at your earliest convenience to discuss this matter and Massport's time line. I look forward to hearing from you.

Very truly yours,

Keches & Mallen, P.C.



Daniel M. Surprenant

DMS/nap

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April 27, 2006

Via facsimile (617) 568-3161
Al Dalton, Esq.
Massport
One Harborside Drive
Boston, MA 02128

Re: John Carr v. Siemens Dematic Corporation et al.
Civil Action No. 05-10445MLW

Dear Attorney Dalton:

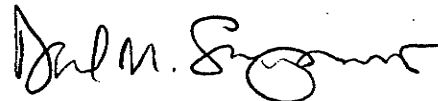
Confirming my voicemail message today and in follow up to my letter to March 22, 2006, I am writing to obtain the status of Massport's security review of the documents that I have tabbed as relevant in this matter. As you may remember, I (along with a paralegal) reviewed and tabbed relevant documents within approximately thirty boxes of documents pertaining to this matter. I understand that Massport is currently reviewing those documents for security concerns to release any and all which they determine do not pose a security threat.

Please know that I am reporting tomorrow at 3:00 to the United States District Court in order to report to the Magistrate Judge regarding the status of discovery. I would appreciate any input you can provide, prior to that hearing, as to how quickly Massport will be able to release the tabbed documents.

Thank you for your attention to this matter. I look forward to hearing from you.

Very truly yours,

KECHES & MALLEN, P.C.



Daniel M. Surprenant

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May 2, 2006

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Al Dalton, Esquire
Massport
One Harborside Drive
Boston, MA 02128

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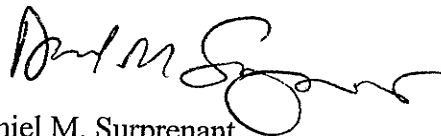
Dear Attorney Dalton:

Confirming our conversation on April 28, 2006, I understand that Massport is currently engaged in the security review of the documents that I have tabbed in this matter and you expect that security review to be completed in approximately one week. I understand that Massport will then copy and release the documents. You expect the documents to be released in approximately two weeks time.

Thank you for your ongoing attention and courtesy in this regard. Should you have any questions at all, please do not hesitate to call.

Very truly yours,

KECHES & MALLEN, P.C.



Daniel M. Surprenant

DMS/ac

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June 22, 2006

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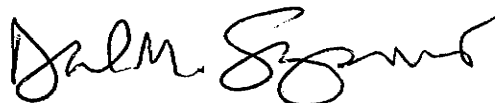
Confirming our conversation on June 20, 2006, I called to check on the status of Massport's security review of the documents that I have tabbed in this matter. You have informed me that there is a sub-set of those documents that Massport has some concerns about and continue to reviewing to determine whether or not they will be released. In any event, I understand that Massport is copying the documents and expect to be able to forward whatever is released to me within approximately two weeks. I understand that you are on vacation next week. Keches & Mallen will pay any reasonable copying costs.

As we discussed, we are under time constraints set by the United States District Court in this matter and are scheduled to complete discovery in August. We will certainly need these documents to conduct depositions in this matter and your efforts to expedite the release of the documents will be appreciated.

Thank you for your attention to this matter. I look forward to hearing from you.

Very truly yours,

KECHES & MALLEN, P.C.



Daniel M. Surprenant

DMS/ac

cc :R. Gabriel O'Malley, Esq.